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The Jacobs Report

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PARENTAL CONSENT LAW LATEST ABORTION CLASH

Last week, the Senate passed a bill that would set strict statewide standards for judges to follow in approving abortions for minors. The piece of legislation, HB 4478, was returned to the House for final action before it goes to Governor Jennifer Granholm, who seems poised to veto the measure.

Republican Sen. Shirley Johnson (R-Royal Oak) and four Democrats broke caucus ranks in the otherwise partisan 25-13 vote. Supporters of the bill needed 26 votes to obtain the two-thirds majority necessary for immediate effect—the same supermajority needed to override a potential gubernatorial veto.

While proponents sold the legislation as a measure making reasonable changes to protect minors and preserve family rights, opponents stressed that the current parental consent law is working well and cautioned against the consequences of enacting so many new obstacles to court approval when parental consent is not in a teen's best interests. The bill creates a presumption that all pregnant girls under age 18 are not capable of providing consent.

Sen. Liz Brater (D-Ann Arbor), sponsor of a failed amendment to provide exceptions in emergency situations, said she fears that girls will consider self-induced abortions or suicide if the barriers to judicial approval for abortions are too high. "These are real life situations. If we are talking about the sanctity of life, I am talking about the lives of teenage girls."

Initial signs indicate an impending Granholm veto.

"We oppose [HB 4478]," said spokesperson Liz Boyd. "This proposed legislation includes a list of stipulations that, quite honestly, would make it so onerous that there would be no judicial bypasses allowed under the law. We believe the law works as it stands and it doesn't need revision."

Right to Life of Michigan wrote the current law, and although the number of abortions obtained by minors has been cut in about half since it took effect in 1990, supporters say the waivers are too easily granted. The 2002 Supreme Court annual report noted that 494 waivers were granted out of 628 requests filed that year.

Before the final vote, the Senate voted down a series of amendments by opponents that would have provided exceptions for rape and incest, allowing other mature adult relatives to provide consent, waiving consent requirements in cases of physical or psychological emergencies, and making it easier for teens to get a waiver petition heard.

Sen. Gilda Jacobs (D-Huntington Woods), sponsor of another failed amendment that would have erased the rebuttable presumption that all pregnant girls under age 18 are not capable of providing consent, said, "In a perfect world, parents would be involved, but not every family is the Brady Bunch or the Nelson Family. To force a minor to relive the circumstances of conception, that would be naive, it would be traumatic to her and thoroughly unjust to society as a whole."

Planned Parenthood Advocates of Michigan, which called the bill the wrong way to protect teens and families, warned the bill is unconstitutional because it violates patient confidentiality and violates U.S. Supreme Court standards requiring teens to have access to courts when states impose a parental consent process.

"House Bill 4478 would deny vital medical services for people who desperately need it," Planned Parenthood Executive Director Sue Wagner said. "It would make life even harder for teens who have been victims of abuse, rape or incest."

Sen. Johnson, who supported the original parental consent law and who was the only Republican to vote against the bill, said the new legislation is unneeded and suggested political motives were responsible for moving it through the Legislature.

SENATE OKS RELIGIOUS STUDY SCHOLARSHIPS

Constitutionality aside, this week the Senate passed legislation allowing religious and divinity students to win scholarships funded with taxpayer dollars.

The package of seven bills-SB 625, SB 626, SB 627, SB 628, SB 629, SB 661 and SB 662-was delayed for several minutes while a large group of senators and staff members held an animated and informal debate over proposed amendments while the chamber stood at recess.

Article I, Section Four of the Michigan Constitution specifically prohibits state expenditures for religious property and seminaries, yet proponents of this package creatively argued that this constitutional cite actually calls for taxpayer-funded religious studies.

In a confusing debate, members quoted not only from the Michigan Constitution but the 1787 Northwest Ordinance, which created the geographic territory that included Michigan and other states, and set up the basis of civil government here. The language in the ordinance on education was later appropriated in the constitution in the section on education.

The legislation covers the state's competitive scholarship, the Legislative Merit Scholarship (which is not the same as the Michigan Merit Award), and the Michigan Educational Opportunity Grant. Also affected would be the tuition differential grants awarded to students attending private colleges in the state.

Liz Brater (D-Ann Arbor) sponsored a defeated amendment that would have prevented the funds being used "for sectarian religious training." Ms. Brater said that state funding for undergraduate religious training in a secular "theological study" context is appropriate. "That's a big difference to promoting religion or the training of religious leaders," she said.

"Without the Brater amendment, the legislation runs afoul of our constitution's ban on funding of seminaries," added Sen. Gilda Z. Jacobs (D-Huntington Woods).

Brater and Jacobs were the only Senators to cast "no" votes on the package.

JACOBS STRESSES PREVENTION IN FIGHT AGAINST CERVICAL CANCER

Senator Gilda Jacobs (D-Huntington Woods) this week joined her Senate colleagues in supporting the Challenge to Eliminate Cervical Cancer campaign to raise public awareness of cervical cancer. The effort is part of a national campaign designating January as Cervical Cancer Screening Month. The Michigan campaign was launched by Women in Government, a bi-partisan, non-profit educational association of elected and appointed women in state government.

“Prevention is the key,” Jacobs said. “No woman should ever die of cervical cancer. Approximately 12,000 women every year are diagnosed with cervical cancer in this country and more than 4,000 die, in spite of the fact that cervical cancer is the most preventable type of cancer.”

According to recent studies, approximately half of all women diagnosed with cervical cancer have never been screened, and 10 percent of those diagnosed have not been screened in the last five years. Studies also show that the number of women who have been screened is lower among those with lower income levels and the uninsured.

Jacobs urges women to schedule annual gynecological exams for screenings that can detect pre-cancerous cells and treat them before the disease can develop.

State Senator Gilda Jacobs represents the 14th Senate District, which includes Beverly Hills, Bingham Farms, Farmington, Farmington Hills, Ferndale, Franklin, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak Township, Southfield, and Southfield Township. She is the Minority Vice Chair of the Families & Human Services Committee and the Economic Development, Small Business & Regulatory Reform Committee. She also serves on the Government Operations and Health Policy Committees.

Constituents of the 14th District may contact Senator Jacobs at sengjacobs@senate.michigan.gov or toll-free at 1-888-937-4453.

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